NYC PLANNING

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

Yitzchok Stern
c/o Eric Palatnik
55 Water Mill Rd
Great Neck, NY, 11021

Re:	**1776 48th Street Rezoning**
CEQR No.	20DCP108K
ULURP No(s).	C200296ZMK, N200297ZRK
SEQRA Classification:	Unlisted
Brooklyn Community District:	BK12

Dear Yitzchok Stern,

Under City Environmental Quality Review, the lead agency is required to determine whether a proposed action may have a significant adverse impact on the environment. In accordance with this regulation, the City Planning Commission has determined that the proposed action would not have a significant adverse impact on the environment.

Enclosed is the Negative Declaration for CEQR No. 20DCP108K, 1776 48th Street Rezoning, including supporting statements for the finding that the proposed actions would not have a significant adverse impact on the environment. The Negative Declaration was issued on April 5, 2021.

Sincerely,

Stephanie Shellooe, AICP, *Deputy Director*

April 5, 2021
Date

cc: Project File
Marisa Lago, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Eric Adams, Brooklyn Borough President
Brooklyn Community Board BK12

Olga Abinader, *Director,* (212) 720-3493 | oabinad@planning.nyc.gov
Stephanie Shellooe, AICP, *Deputy Director,* (212) 720-3328 | sshellooe@planning.nyc.gov
120 Broadway, 31st Floor, New York, N.Y. 10271 | Fax: (212) 720-3488

NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The Applicant, Yitzchok Stern, seeks a zoning map amendment (Zoning Sectional Map 22c) and a text amendment (Appendix F). The proposed rezoning would rezone an area mapped at a depth of 100 feet from 18th Ave between 48th and 49th St from an R5 to an R6B zoning district. It would include a C2-4 commercial overlay mapped at a depth of 35 feet from 18th Ave. The rezoning area (Block (5449, Lots 34 (p/o), 35, 36, 37, 41 42 and 44) is located in the Borough Park section of Brooklyn's Community District 12. The proposed rezoning action would facilitate the development of a three story mixed-use commercial and residential building. The text amendment would require future residential development to provide permanent affordable housing (Mandatory Inclusionary Housing, MIH). The analysis concludes that the proposed actions would not introduce a new land use, nor affect the existing mixed-use character of the area, nor affect public policy, which represent the thresholds of impact significance in the 2020 CEQR Technical Manual. Therefore, no significant adverse impacts related to Land Use, Zoning, and Public Policy would result from the proposed actions.

Air Quality, and Noise

An (E) designation (E-609) related to air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The air quality and noise analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to air quality or noise.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Katherine Glass at kglass@planning.nyc.gov.

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME	DATE
Stephanie Shellooe, AICP	April 2, 2021
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME	DATE
Marisa Lago	April 5, 2021
SIGNATURE	

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Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Brooklyn	Block 5449, Lot 37
Projected Development Site 2	Brooklyn	Block 5449, Lot 35
Projected Development Site 3	Brooklyn	Block 5449, Lot 36
Projected Development Site 4	Brooklyn	Block 5449, Lot 42
Projected Development Site 5	Brooklyn	Block 5449, Lot 44

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-609**) would be established as part of approval of the proposed actions on **Projected Development Sites 1-5,** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1		X	X
Projected Development Site 2		X	X
Projected Development Site 3		X	X
Projected Development Site 4		X	X
Projected Development Site 5		X	X

Air Quality

The (E) designation requirements for Air Quality would apply as follows:

Block 5449, Lot 37 (Development Site 1): *Any new residential or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s), and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level and at a minimum of 58 feet above grade, and that the stack is located at least 30 feet from the southern lot line facing 49th Street and at least 20 feet from the western lot line facing Old New Utrecht Road to avoid any potential significant adverse air quality impacts.*

Block 5449, Lot 35 (Site 2): *Any new residential or commercial development on the above referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level and at a minimum of 58 feet above grade ant that the stack is located at least 40 feet from the southern lot line facing 49th Street to avoid any potential significant adverse air quality impacts.*

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Block 5449, Lot 36 (Site 3*): Any new residential or commercial development on the above referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level at a minimum of 58 feet above the grade, and that the stack is located at least 30 feet from the southern lot line facing 49th Street and 15 feet from the western lot line facing Old New Utrecht Road to avoid any potential significant adverse air quality impacts.*

Block 5449, Lot 42 (Site 4): *Any new residential or commercial development on the above referenced property must exclusively use natural gas as the type of fuel for heating, ventilating, air conditioning (HVAC), and hot water system(s) and must be fitted with low NOx (30 ppm) burners, ensure that the stack is located at the building's highest level at a minimum of 58 feet above the grade, and that the stack is located at least 40 feet from the northern lot line facing 48th Street and 25 feet from the western lot line facing Old New Utrecht Road to avoid any potential significant adverse air quality impacts.*

Block 5449, Lot 44 (Site 5): *Any new residential or commercial development on the above referenced property must ensure that the heating, ventilating, air conditioning (HVAC), and hot water system(s) stack is located at the building's highest level and at a minimum of 58 feet above grade ant that the stack is located at least 40 feet from the northern lot line facing 48th Street and 20 feet from the eastern lot line facing 18th Avenue to avoid any potential significant adverse air quality impacts.*

Noise

The (E) designation requirements for noise would apply as follows:

Block 5449, Lot 37 (Projected Development Site 1): *To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades facing 48th Street and the facades facing 18th Avenue within 50 feet of 48th Street and the facades facing Old New Utrecht Road within 50 feet of 48th Street and 31 dBA of attenuation on all facades facing 49th Street and the facades facing 18th Avenue beyond 50 feet from 48th Street and 28 dBA of attenuation on the facades facing Old New Utrecht Road beyond 50 feet from 48th Street to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial office uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*

Block 5449, Lot 35 (Projected Development Site 2): *To ensure an acceptable interior noise environment, future residential/commercial office uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades facing 48th Street and the facades facing 18th Avenue within 50 feet of 48th Street and the façades facing Old New Utrecht Road within 50 feet of 48th Street and 28 dBA of attenuation on all other facades to maintain an interior noise level not greater than 45 dBA for residential/commercial office uses as illustrated in the EAS. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*

Block 5449, Lot 36 (Projected Development Site 3): *To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 33 dBA window/wall attenuation on all facades facing 48th Street and the facades facing 18th Avenue within 50 feet of 48th Street and the facades facing Old New Utrecht Road within 50 feet of 48th Street and 28 dBA of attenuation*

on all other facades to maintain an interior noise level not greater than 45 dBA for residential uses as illustrated in the EAS. To maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

Block 5449, Lot 42 (Projected Development Site 4): *To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all facades to maintain an interior noise level not greater than 45 dBA for residential uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*

Block 5449, Lot 44 (Projected Development Site 5): *To ensure an acceptable interior noise environment, future residential uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all facades to maintain an interior noise level not greater than 45 dBA for residential uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.*